



March 23, 2023

Testimony on Vermont's SB18

Dear Chairs and Members of the Senate Finance Committee,

My name is Yaël Ossowski and I am the deputy director of the consumer advocacy group Consumer Choice Center. We represent millennial consumers who appreciate and fight for science-based policies, tech innovation, and consumer choice.

I was born not more than 100 miles from Montpelier in the Canadian province of Québec, so it is an honor to represent our views to your committee.

Because we believe health equity and evidenced-based policies are noble and important goals for public policy, I stand before you today to oppose SB18 and urge you to vote NO on this legislation.

You may vehemently oppose flavored tobacco products, but this bill would ban flavored nicotine alternative products for adults who have switched away from smoking will end up harming more Vermonters than it will save.

Eradicating an entire product category that is saving the lives of former smokers by being more attractive than cigarettes is wrong and unhelpful.

Youth who gain access to nicotine alternative products do so either in illicit markets or because vendors are breaking the law. Rendering products illegal overnight for millions of adults will only create an even larger illicit market where there are no ID checks, safety controls, or regulated sellers.

This is a reality we have all learned – and accepted – after decades of the war on drugs.

When this body voted to upgrade cannabis from an illicit product to a legal one with regulated and supervised sales and control mechanisms, I believe you did this for the right reasons. And I would iterate that creating a new illicit market will have exactly the same parallels that we have already lived through.

I ask you, therefore, in the Green Mountain State where cannabis is legal and safely sold and consumed, why should the sale of flavored nicotine products that are 95% less harmful than cigarettes be pushed to parking lots, online forums, and other locations beyond the scope of lawful commerce?

These are devices and products that have been created and sold by entrepreneurs to solve a problem: that of combustible cigarettes and their byproducts.

According to the latest science, and health bodies in the United Kingdom, New Zealand, and Canada, we know that using flavored nicotine devices is 95% less harmful than smoking. Adults who are former smokers have been switching *en masse* to this new and innovative





technology because it can deliver the same effects of nicotine without the harm of tobacco smoke. And flavors are integral to making this switch.

16% of Vermont residents admit to being daily smokers. This is significantly lower than the levels seen just a decade ago, which once counted over a quarter of the population.

However, it would be a fatal conceit to claim that the reduction in adult smoking has come from public campaigns, health groups, bans, restrictions, or tax hikes alone. Entrepreneurs, consumers, and vape shop owners, mostly former smokers, know this.

The relationship of adult vapers to their preferred vape retailers is an important and vital part not just of a healthier and more beneficial switch, but also of significant economic importance.

That includes vape shops and convenience stores up and down this state. These stores, along with dozens of others, employ hundreds of people and help convert thousands of former smokers into vapers. Having the consumer choice to find the exact flavor that fits their profile, is vital to that.

Each of us as consumers has unique taste preferences when it comes to food and drinks. That that should somehow not apply in the case of flavored vaping products is not logical. Flavors matter. And health reduction matters.

Nicotine itself is not the enemy. And we must acknowledge that. Adults have become addicted, and we must shepherd them to less harmful alternatives. These vaping devices are saving millions of lives around the globe and year. And that begins here in Montpelier.

The question of kids using these devices is often a concern, and we agree. In line with federal law, the age of purchase should be 21, and there should be severe penalties for those who sell products to minors.

But relegating flavored vaping products to the illicit market, where there are no checks for ID, and no concern for safety or regulations would be an even more dangerous path. We know this from the thousands of lung injuries in 2019, which the CDC has [admitted](#) were caused primarily, if not exclusively, by illicit cannabis vaping cartridges laced with Vitamin E Acetate.

Banning products will not make them go away. It will only create incentives for illicit markets to offer them to adult or high school students alike. We prefer a regulated and safe market with adequate checks and administration, and I believe this committee would agree.

We must acknowledge that responsible adult consumers must have a choice and should not have to face the prospect of flavored vaping products simply being banned from their state, lest they be pushed to return to combustible tobacco. Our policies must be fair, just, and based on scientific evidence.

Thank you for your time.



Yaël Ossowski
Deputy Director
Consumer Choice Center
yael@consumerchoicecenter.org

